

REMARKS

The present application was filed on August 19, 2003, with claims 1-21. Claims 1, 18 and 21 are the independent claims. Claims 1-21 remain pending.

Claims 1, 2, 5, 8, and 14-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0097438 (hereinafter "Bearden") in view of U.S. Patent Application Publication No. 2003/0053455 (hereinafter "Kryskow").

Claim 7 is rejected under §103(a) as being unpatentable over Bearden and Kryskow in view of another reference.

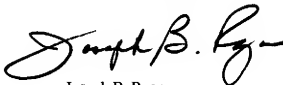
Claims 3, 4, 6 and 9-13 are indicated as containing allowable subject matter.

Applicants respectfully request reconsideration of the present application in view of the remarks below.

With regard to the §103(a) rejections involving Bearden, Applicants submit herewith a declaration of prior invention in accordance with 37 C.F.R. §1.131. The declaration is signed by each of the inventors named on the present application. The declaration and the exhibits attached thereto evidence the conception and actual reduction to practice of an invention falling within one or more of the claims at least as early as September 16, 2002, and thus prior to the publication date of the Bearden reference. Accordingly, the Bearden reference, which is commonly assigned with the present application, is available only as a §102(e) reference. The present application is therefore entitled to the benefit of 35 U.S.C. §103(c). The subject matter of the Bearden reference and the claimed invention as set forth in the present application were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person, namely, the common assignee Avaya Technology Corp. An assignment of the present application to Avaya Technology Corp. was recorded in the U.S. Patent and Trademark Office on November 17, 2003 at Reel 014713, Frame 0765. Accordingly, the Bearden reference is not available for use in a §103(a) rejection against the present application.

In view of the above, Applicants believe that claims 1-21 are in condition for allowance, and respectfully request withdrawal of the §103(a) rejections.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph B. Ryan". The signature is fluid and cursive, with a large, stylized "J" and "R".

Date: August 16, 2007

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Enclosure(s): Declaration of Prior Invention Under 37 C.F.R. §1.131